

### Remarks

The present amendment is in response to the action mailed in the above-referenced case on November 12, 2003. Claims 1-12 are standing for examination. The Examiner objects to Figures 2-3. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sriram (US 5,463,620) hereinafter Sriram. Applicant assumes that claims 2-6 and 8-12 are also rejected as being anticipated by Sriram as reasoning for rejection is provided for said claims, but no direct statement of rejection is made by the Examiner.

Applicant has carefully studied the Examiner's rejections, objections and statements of the Office Action. In response, applicant herein amends the claims and corrects the drawings in order to overcome the drawing objections and the 102(b) rejection.

Applicant herein amends claims 1 and 7 to add the limitation that if at least one of the plurality of queues has no data traffic, said queue's data traffic capacity is allocated among the other queues.

In applicant's invention as claimed, when one of the queues has no traffic, that queue's traffic capacity is allocated among the other queues. For example, if queue 33 (Fig. 3) has no traffic, then the total of the weights becomes 14, and the amount of traffic permitted to be forwarded by each of the other queues increases. For example, under these conditions, queue 31 can now forward 8/14 of the total data traffic capacity. Thus, the amount of traffic carried by the queues can increase substantially, especially if one of the queues experiences a burst in traffic. This can be an especially serious problem if a highly-weighted queue, such as queue 31 in FIG. 3, experiences a significant traffic burst, since links on the network can be overloaded.

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Applicant points out that the present invention is preferably applied to a queue only when there is traffic suitable for transmission from some other queue associated with the same output link. That is, the bandwidth limit is preferably

not applied if no other traffic from any other queue is waiting for transmission.  
This approach avoids the potential for under-utilization of the link when no traffic is waiting.

Applicant argues that the art of Sriram fails to teach or suggest fully utilizing the data link when queues have no traffic. Column 6, lines 19-55 of Sriram teaches that the server 48 attempts to remove cells from a queue, and if the queue is empty, moves to the next queue to pull its allotted cells. Sriram does not teach or suggest re-allocation of data traffic when a given queue is empty to fully utilize the bandwidth on the available data link.

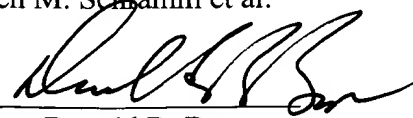
Applicant believes claims 1 and 7, as amended, are patentable over the art of Sriram. Claims 2-6 and 8-12 are patentable on their own merits, or at least as dependent from an independent claim.

As all of the claims standing for examination, as amended, have been shown to be patentable over the rejection and objections of the Examiner, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,

Karen M. Schramm et al.

by



Donald R. Boys  
Reg. No. 35,074



Approved  
for  
3/1/04

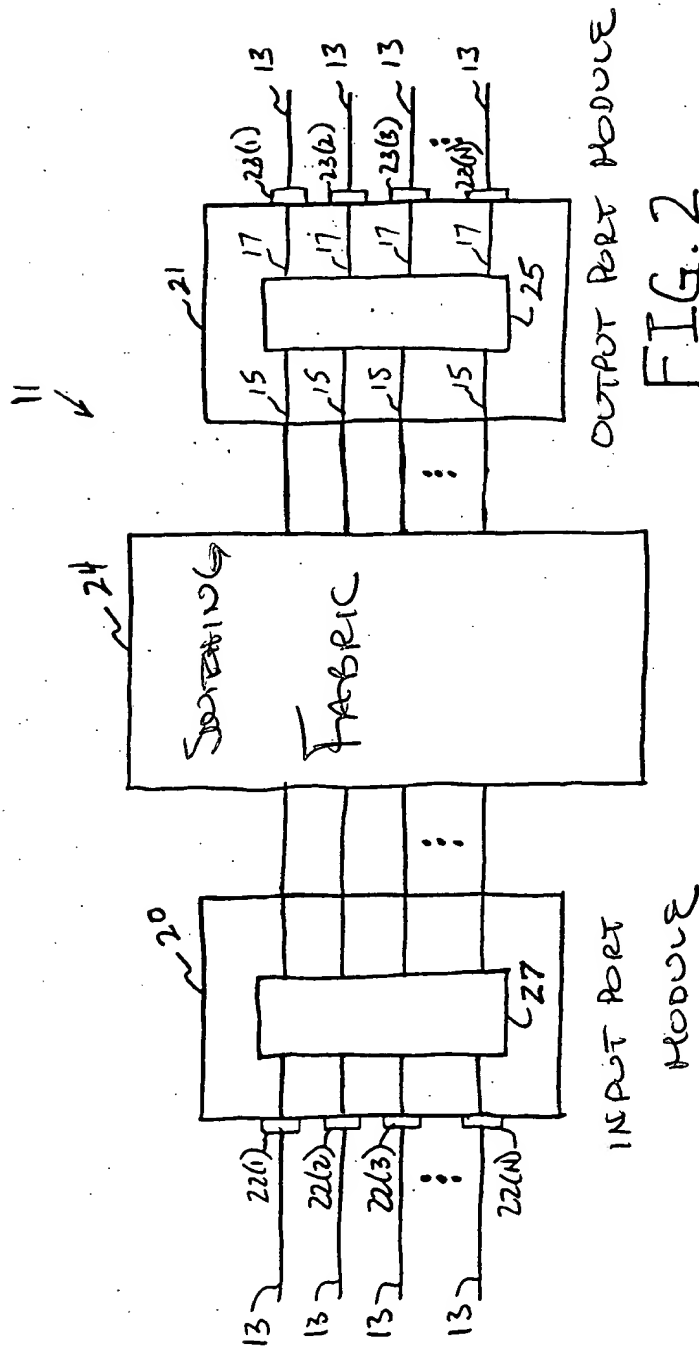
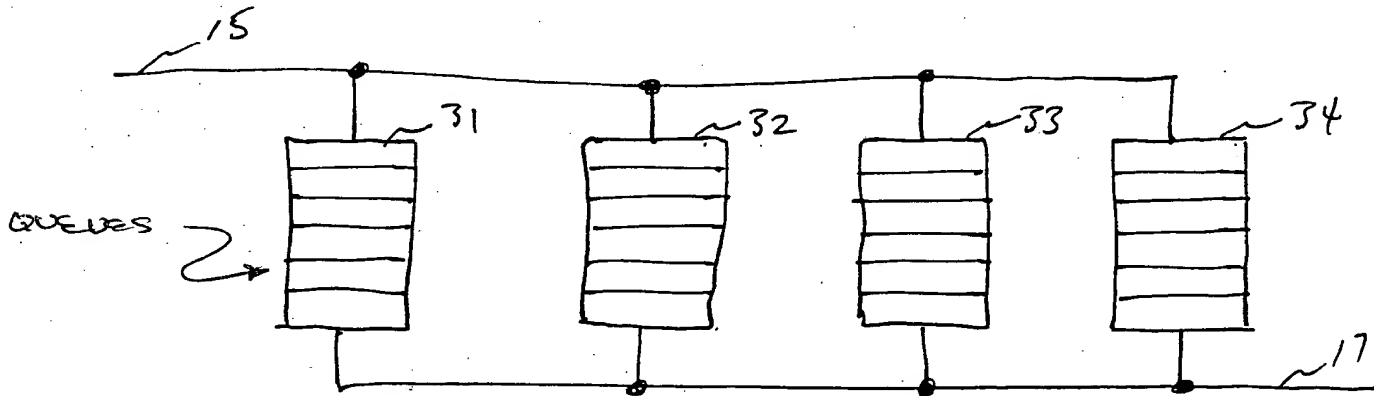
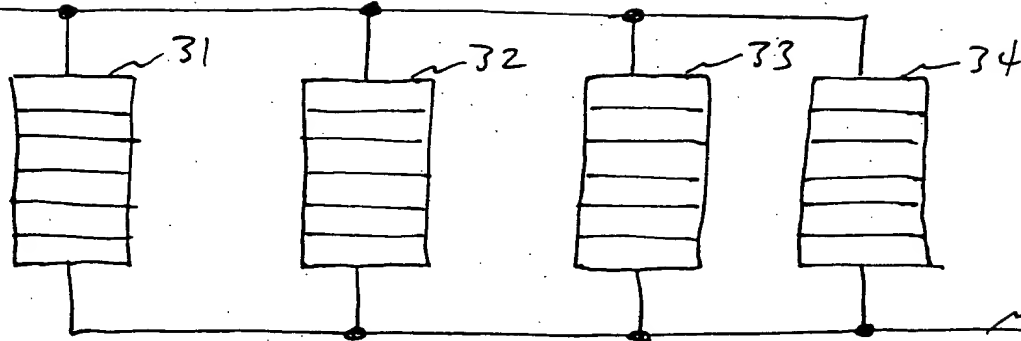


FIG. 2

25  
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15  
QUEUES  
2



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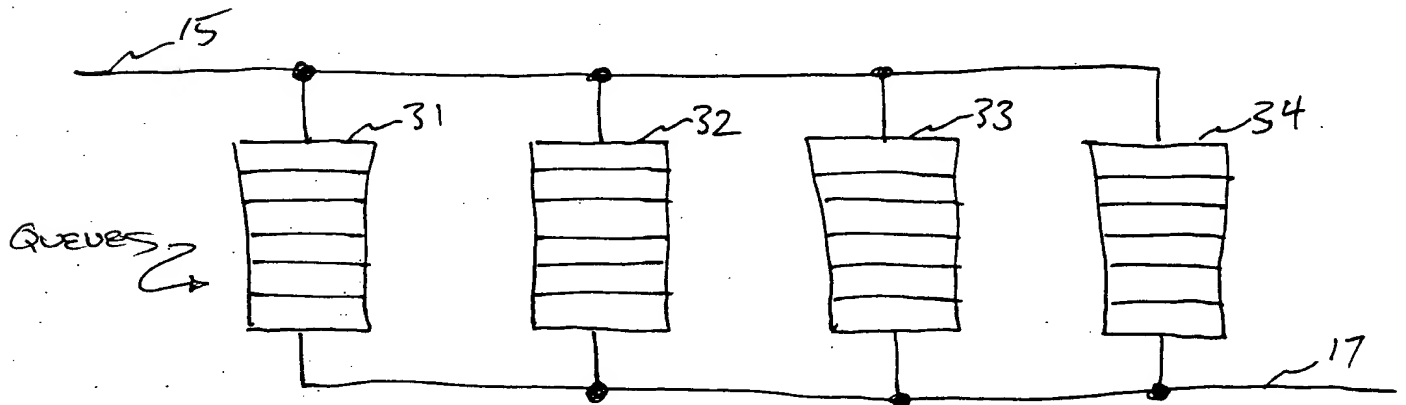


FIG. 3